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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
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10 United States of America,

No. CR-19-00898-001-PHX-DLR

11 Plaintiff,

12 **ORDER**

13 v.

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15 David Allen Harbour,

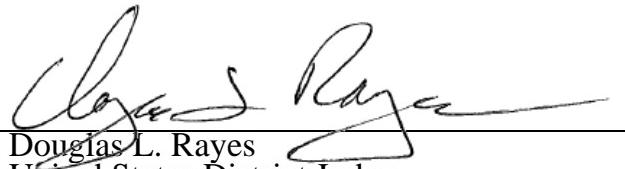
16 Defendant.

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19 In his “Objections to Ruling in Doc. 346 (March 1, 2022) and Motion to Revoke the
20 Order of Detention” (Doc. 358), Defendant seeks *de novo* review of Magistrate Judge
21 Fine’s detention order, but only as to the findings adverse to him. The Court finds
22 unpersuasive Defendant’s argument that review should be limited only to the issues he
23 wants reviewed, *i.e.*, those the Government “won” before Magistrate Judge Fine. In
24 reviewing a magistrate judge’s detention order, the Court “should make its own
25 independent determination whether the magistrate’s findings are correct, with no
26 deference.” *United States v. Koenig*, 912 F.2d 1190, 1192-93 (9th Cir. 1990). The Court
27 has broad discretion on review of a magistrate judge’s detention determination and may
28 even *sua sponte* review a detention or release order. *United States v. Gebro*, 948 F.2d 118

1 (9th Cir. 1991). If the Court has authority to *sua sponte* consider the totality of a magistrate
2 judge's detention order, then it surely has authority to consider the totality of that order
3 when a party seeks review. The Court will not limit the issues to be litigated at the
4 upcoming April 29, 2022, review hearing as requested by Defendant.

5 **IT IS ORDERED** that Defendant's request that the Court limit its review
6 of Magistrate Judge Fine's detention order to only those issues the Government "won"
7 is **DENIED**.

8 Dated this 21st day of April, 2022.

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12 Douglas L. Rayes
13 United States District Judge
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